

02/19/02 JC872 U.S. PTO

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UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

AB-116U

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Todd K. Whitehurst, entitled Fully Implantable Miniature Neurostimulator for Vagus Nerve Stimulation, for a(n):

(X) Original Patent Application.

( ) Continuing Application (prior application not abandoned):

( ) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. \_\_\_\_\_, filed on \_\_\_\_\_.

Enclosed are:

(X) Application Data Sheet 1 Total Sheet(s).

(X) Non-Publication Request 1 Total Sheet(s).

(X) Specification; 29 Total Pages + cover sheet.

(X) Drawing(s); 7 Total Sheets of formal drawings + 7 Total Sheets of copy of drawings.

(X) Oath or Declaration:

(X) A Newly Executed Combined Declaration and Power of Attorney:

(X) Signed. ( ) Unsigned. ( ) Partially Signed.

( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

(X) Return Receipt Postcard.

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	35	15	\$18.00	\$270.00
Independent Claims	4	1	\$84.00	\$84.00
Multiple Dependent Claim Fee (if applicable)				\$0.00
Assignment Recording Fee (if applicable)				\$0.00
Basic Filing Fee				\$740.00
Total Filing Fee				\$1,094.00

Please charge \$ 1,094.00 to Deposit Account No. 50-0648 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required under any provision of 37 CFR § 1.16 or 37 CFR § 1.17, or credit any overpayment, to the indicated Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By: Laura H. Bishop  
Laura Haburay Bishop, Reg. No. 47424

Date: February 19, 2002

Correspondence Address: Advanced Bionics Corporation  
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PATENT TRADEMARK OFFICE

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents  
Box Patent Application  
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By: Laura H. Bishop

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Date of Deposit: February 19, 2002

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<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Whitehurst, et al.
	Title	Fully Implantable Miniature Neurostimulator for Vagus Nerve Stimulation
	Atty Docket Number	AB-116U

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

2002 Feb 19

Date

Signature

Laura H Bishop

Laura Haburay Bishop, Reg. No. 47424

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**